

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GINA FENWICK,

Plaintiff(s),

v.

KILOLO KIJAKAZI,

Defendant(s).

Case No. 2:22-cv-01077-NJK

ORDER

[Docket No. 20]

Pending before the Court is a stipulation to award Plaintiff \$2,927.84 in attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), as well as \$402 in costs pursuant to 28 U.S.C. § 1920. Docket No. 20; *see also* Docket No. 21 (corrected image). The fee request reflects a decrease from the total amount of fees claimed based on hours expended. *See* Docket No. 21-1 at 12 (claiming total fee amount of \$3,441.59).

Although unopposed, the Court will review the reasonableness of the fee award. *See, e.g., Douzat v. Saul*, 2020 WL 3408706, at *1 (D. Nev. June 11, 2020) (collecting cases). Fees awarded under the EAJA are determined based on the lodestar approach, except that the hourly rates are capped unless the Court in its discretion determines otherwise. *See Costa v. Comm'r of Soc. Sec. Admin.*, 690 F.3d 1132, 1135 (9th Cir. 2012); *see also* 28 U.S.C. § 2412(d)(2)(A). The Court will allow the rate sought here for attorney Kalagian, particularly in light of the fees awarded to counsel in other cases. *See Maceachern v. Kijakazi*, No. 2:21-cv-01597-NJK, Docket No. 18 (D. Nev. Mar. 7, 2022); *see also United Steelworkers of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990).¹ Moreover, the attorney hours expended appear to be reasonable.

¹ Some of the fees documented are for paralegal time. *See* Docket No. 21-2. A sufficient showing has not been made as to the paralegal hourly rate and some of the tasks appear to be clerical in nature. *Cf. Douzat*, 2020 WL 3408706, at *3-4. Nonetheless, the adjustment that would likely be made with respect to the paralegal time does not appear to put the total amount of reasonable fees below the amount sought in this case.

1 Accordingly, the stipulation for fees and costs is **GRANTED**.

2 IT IS SO ORDERED

3 Dated: January 25, 2023

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7 Nancy J. Koppe
8 United States Magistrate Judge
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